

Senate Amendment 5131

PAG LIN

1 1 Amend Senate File 2361 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Sec. _____. PURPOSE. It is the purpose of this Act
1 5 to encourage competition in the provision of cable
1 6 service and video service in this state, to encourage
1 7 new providers of cable service and video service, and
1 8 to provide consumers additional choices in cable
1 9 service and video service.>
1 10 #2. Page 2, line 1, by inserting after the word
1 11 <to> the following: <third parties, including>.
1 12 #3. Page 2, line 4, by inserting after the word
1 13 <Revenues> the following: <derived by the holder of a
1 14 certificate of franchise authority>.
1 15 #4. Page 2, line 12, by striking the words
1 16 <applicable laws,> and inserting the following:
1 17 <federal communications commission>.
1 18 #5. Page 2, line 19, by striking the words <five
1 19 percent> and inserting the following: <franchise>.
1 20 #6. Page 2, line 29, by striking the figure
1 21 <477A.8> and inserting the following: <477A.7>.
1 22 #7. Page 3, line 20, by striking the figure
1 23 <477A.8> and inserting the following: <477A.7>.
1 24 #8. Page 4, by striking line 10 and inserting the
1 25 following:
1 26 <1. After July 1, 2006, a person>.
1 27 #9. Page 4, lines 11 and 12, by striking the words
1 28 and figures <on or after July 1, 2006,>.
1 29 #10. Page 4, by striking line 13 and inserting the
1 30 following: <a franchise. The franchise may be issued
1 31 by either the>.
1 32 #11. Page 4, line 14, by inserting after the word
1 33 <state> the following: <pursuant to section 477A.3 or
1 34 by a municipality pursuant to section 364.2>.
1 35 #12. Page 4, by striking lines 15 through 26.
1 36 #13. Page 4, line 27, by striking the word <a.>
1 37 #14. Page 4, line 31, by striking the words
1 38 <paragraph "b"> and inserting the following: <this
1 39 chapter>.
1 40 #15. By striking page 4, line 32, through page 5,
1 41 line 17.
1 42 #16. Page 5, line 21, by striking the word
1 43 <successor> and inserting the following:
1 44 <predecessor>.
1 45 #17. Page 5, line 25, by inserting after the word
1 46 <provide> the following: <at least thirty days'>.
1 47 #18. Page 5, line 34, by striking the words <or
1 48 "successor">.
1 49 #19. Page 6, by inserting after line 6 the
1 50 following:
2 1 <____. a. If an incumbent cable provider and one
2 2 or more competitive cable service providers or
2 3 competitive video service providers are providing
2 4 cable service or video service within the jurisdiction
2 5 of a municipality, an incumbent cable provider with an
2 6 existing franchise agreement with the municipality may
2 7 request that the municipality modify the terms of the
2 8 existing franchise agreement to conform to the terms
2 9 and conditions of a franchise granted to a competitive
2 10 cable service provider or competitive video service
2 11 provider as a holder of a certificate of franchise
2 12 authority that includes the municipality. The
2 13 incumbent cable provider requesting a modification
2 14 shall identify in writing the terms and conditions of
2 15 the existing franchise that are materially different
2 16 from the franchise of the holder of a certificate of
2 17 franchise authority, whether such differences impose
2 18 greater or lesser burdens on the incumbent cable
2 19 provider. Upon receipt of such request from an
2 20 incumbent cable provider, the incumbent cable operator
2 21 and the municipality shall negotiate the franchise
2 22 modification terms in good faith for a period of sixty
2 23 days. If within sixty days, the municipality and the
2 24 incumbent cable provider cannot reach agreeable terms,

2 25 the incumbent cable provider may file a modification
2 26 request pursuant to paragraph "b".
2 27 b. If an incumbent cable provider and one or more
2 28 competitive cable service providers or competitive
2 29 video service providers are providing cable service or
2 30 video service within the jurisdiction of a
2 31 municipality, an incumbent cable provider may seek a
2 32 modification of the existing franchise terms and
2 33 conditions to conform to the terms and conditions of a
2 34 franchise of a competitive cable service provider or
2 35 competitive video service provider as a holder of a
2 36 certificate of franchise authority that includes the
2 37 municipality pursuant to the provisions of 47 U.S.C. }
2 38 545. In an application for modification, an incumbent
2 39 cable provider shall identify the terms and conditions
2 40 of the existing franchise that are materially
2 41 different from the terms and conditions of the
2 42 franchise of the holder of a certificate of franchise
2 43 authority, whether such differences impose greater or
2 44 lesser burdens on the incumbent cable provider. The
2 45 municipality shall grant the modification request
2 46 within one hundred twenty days, and after a public
2 47 hearing, for any provisions where there are material
2 48 differences between the existing franchise and the
2 49 franchise of the holder of the certificate of
2 50 franchise authority. Any provision of the existing
3 1 franchise may be modified. If an incumbent cable
3 2 provider is denied a modification request pursuant to
3 3 this paragraph, the existing franchise shall be null
3 4 and void and the incumbent cable provider may apply
3 5 for a certificate of franchise authority under section
3 6 477A.3.>
3 7 #20. Page 6, line 10, by inserting after the word
3 8 <chapter> the following: <within fifteen business
3 9 days>.
3 10 #21. Page 6, line 21, by inserting after the word
3 11 <applicable> the following: <state laws and>.
3 12 #22. Page 6, line 32, by striking the words
3 13 <federal communications commission> and inserting the
3 14 following: <secretary of state>.
3 15 #23. Page 7, by inserting after line 1 the
3 16 following:
3 17 <2. The failure of the secretary of state to
3 18 notify the applicant of the completeness of the
3 19 applicant's affidavit or issue a certificate of
3 20 franchise authority before the fifteenth business day
3 21 after receipt of a completed affidavit shall
3 22 constitute issuance of the certificate of franchise
3 23 authority applied for by the applicant without further
3 24 action by the applicant.>
3 25 #24. Page 7, by striking lines 5 and 6 and
3 26 inserting the following: <service in the service area
3 27 designated in the application.>
3 28 #25. By striking page 8, line 2, through page 9,
3 29 line 1.
3 30 #26. Page 9, line 2, by striking the figure
3 31 <477A.6> and inserting the following: <477A.5>.
3 32 #27. Page 9, line 14, by striking the words and
3 33 figures <and section 364.3, subsection 7,>.
3 34 #28. Page 9, line 17, by striking the figure
3 35 <477A.7> and inserting the following: <477A.6>.
3 36 #29. Page 9, by striking lines 26 through 29 and
3 37 inserting the following: <number of public,
3 38 educational, and governmental channels that the
3 39 existing provider in the municipality has activated
3 40 and provided in the municipality under the terms of a
3 41 franchise agreement with a municipality prior to July
3 42 1, 2006. If no such channels are active, the
3 43 municipality may request a maximum of three public,
3 44 educational, and governmental channels for a
3 45 municipality with a population of at least fifty
3 46 thousand, and a maximum of two public, educational,
3 47 and governmental channels for a municipality with a
3 48 population of less than fifty thousand.>
3 49 #30. Page 10, line 1, by striking the word
3 50 <additional>.
4 1 #31. Page 10, line 14, by inserting after the word
4 2 <services> the following: <The provision of such
4 3 transmissions, content, or programming to the
4 4 competitive cable service provider or competitive
4 5 video service provider shall constitute authorization

4 6 for such holder to carry such transmissions, content,
4 7 or programming, at the holder's option, beyond the
4 8 jurisdictional boundaries stipulated in any franchise
4 9 agreement.>
4 10 #32. Page 10, line 31, by striking the figure
4 11 <477A.8> and inserting the following: <477A.7>.
4 12 #33. Page 11, line 6, by inserting after the word
4 13 <due> the following: <and paid to the municipality>.
4 14 #34. Page 11, by inserting after line 12 the
4 15 following:
4 16 <b. Upon the expiration of an existing franchise
4 17 agreement, if the incumbent cable provider elects to
4 18 possess a certificate of franchise authority, the
4 19 incumbent cable provider shall pay a franchise fee to
4 20 the municipality in an amount equal to the same
4 21 percent of gross revenues as had been assessed
4 22 immediately prior to the termination of the incumbent
4 23 cable operator's franchise.>
4 24 #35. Page 12, by inserting after line 9 the
4 25 following:
4 26 <____. If an incumbent cable provider pays any fee
4 27 to a municipality for public, educational, and
4 28 government access channels, any subsequent holder of a
4 29 certificate of franchise authority that includes that
4 30 municipality shall pay this fee at the same rate. All
4 31 fees collected pursuant to this subsection shall be
4 32 used only for the support of the public, educational,
4 33 and government access channels.
4 34 Sec. _____. NEW SECTION. 477A.8 CUSTOMER SERVICE
4 35 STANDARDS.
4 36 The holder of a certificate of franchise authority
4 37 shall comply with customer service requirements
4 38 consistent with those contained in 47 C.F.R. }
4 39 76.309.>
4 40 #36. By renumbering, redesignating, and correcting
4 41 internal references as necessary.
4 42
4 43
4 44 _____
4 45 JERRY BEHN
4 46
4 47
4 48 _____
4 49 STEVEN H. WARNSTADT
4 50 SF 2361.702 81
5 1 kk/gg/4293